REMARKS

Applicants thank the Examiner for the Final Office Action of March 16, 2010. This Amendment is in full response thereto. Thus, Applicants respectfully request continued examination and allowance of the application.

Claims 28, 30, 31, 34-36 and 38 are pending in this application.

First Claim Rejection Under 35 U.S.C. § 103:

Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayaski (USPN 6,200,128), and further in view of Ibaraski, et al. (USPN 5,891,404). Applicants respectfully traverse because the combination of Kobayashi and Ibaraski, et al. suggested by the examiner fails to disclose all of the limitations of claim 28.

Claim 28 recites an apparatus which may be used as a combustion system that comprises: an oxyfuel burner; a first duct adapted to feed said burner with fuel; a second duct adapted to feed said burner with an oxidizer comprising oxygen and an additional gas; an oxygen feeder; an additional gas feeder; a flow rate measurement device; and a flow rate control device adapted to control said additional gas's flow rate. Said second duct cooperates with said oxygen feeder and said additional gas feeder. Said flow rate comprises at least one member selected from the group consisting of: said oxygen's flow rate and said fuel's flow rate. Said flow rate control device is slaved to said flow rate measurement device so that a sum of the additional gas, oxygen and fuel flow rates are greater than a preset minimum flow rate D_{MIN}, wherein D_{MIN} is the minimum flow rate through the burner required for cooling the burner during combustion so as to prevent structural thermal damage to the burner.

Neither Kobayashi nor Ibaraski, et al. discloses, teaches or suggests a flow rate control device adapted to control said additional gas's flow rate, said device being slaved to said flow rate measurement device so that a sum of the additional gas, oxygen and fuel flow rates are greater than a preset minimum flow rate D_{MIN},

wherein D_{MIN} is the minimum flow rate through the burner required for cooling the burner during combustion so as to prevent structural thermal damage to the burner.

The Examiner recognizes that Kobayashi does not disclose the above limitation. In order to address this deficiency of Kobayashi, the Examiner points to line 51 of column 3 through line 59 of column 4 of Ibaraski, et al. However, Applicants fail to see where Ibaraski, et al. even remotely discloses the missing limitation in the cited-to portion. To the extent that Ibaraski, et al. even comes close to this missing limitation, it discloses the use of cooling air to cool down and dilute exhaust gas that has been degraded by high temperatures within a flame tube. If the Examiner still insists that Ibaraski, et al. teaches this missing limitation, in view of the goal of compact prosecution, the Examiner kindly requested to explain in detail where and how Ibaraski, et al. teaches this limitation missing from Kobayashi.

Thus, the rejection should be withdrawn.

Second Claim Rejection Under 35 U.S.C. § 103:

Claims 30, 34 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayaski (USPN 6,200,128), in view of Ibaraski, et al. (USPN 5,891,404), further in view of Baysinger (USPN 4,034,911). As explained above in detail, the combination of Kobayashi and Ibaraski, et al. fails to disclose each of the limitations recited by claim 28. As claims 30, 34, and 38 ultimately depend from claim 28 and because Baysinger fails to cure the deficiency of Kobayashi and Ibaraski, et al., these claims are similarly patentable over the combination Kobayashi, Ibaraski, et al., and Baysinger. Thus, the rejection should be withdrawn.

Third Claim Rejection Under 35 U.S.C. § 103:

Claims 31, 35 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayaski (USPN 6,200,128), in view of Ibaraski, et al. (USPN 5,891,404), further in view of Versluis (USPN 5,630,408). As explained above in detail, the combination of Kobayashi and Ibaraski, et al. fails to disclose each of the

limitations recited by claim 28. As claims 31, 35, and 36 ultimately depend from claim 28 and because Baysinger fails to cure the deficiency of Kobayashi and Ibaraski, et al., these claims are similarly patentable over the combination Kobayashi, Ibaraski, et al., and Baysinger. Thus, the rejection should be withdrawn.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he/she is invited to call the undersigned attorney at the number listed below.

A Petition for Two Month Extension of Time has been contemporaneously submitted with the instant Request for Reconsideration along with the associated fee. Otherwise, it is believed that no other fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

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